

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JASON J. GEIS,

Petitioner,

vs.

BRAD JOHNSON,


Respondent.

8:16CV455

**MEMORANDUM
AND ORDER**

This matter is before the court for initial review of the Petition for Writ of Habeas Corpus filed by Petitioner Jason J. Geis (“Geis”). ([Filing No. 1.](#))

Liberal construed, the petition requests relief pursuant to [28 U.S.C. § 2241](#), which permits this court to entertain an application for a writ of habeas corpus by a person in custody, but not yet convicted or sentenced. [28 U.S.C. § 2254](#) affords relief to a petitioner “in custody pursuant to the judgment of a State court.” When he filed his petition, Geis *was* a pretrial detainee in state custody awaiting trial in a pending criminal case. (*Id.* at CM/ECF pp. 1-2.) However, a jury subsequently found Geis not guilty and the state district court released him from custody. (*Id.* at CM/ECF p. 2.) (referencing relevant case number); *See* Geis, Jason, J., Lancaster County District Court Case No. CR15-306 at JUSTICE Nebraska case search system at <https://www.nebraska.gov/justice/case.cgi> (last visited February 3, 2017)).¹ Geis’s petition is moot under § 2241 and § 2254.

¹  PDF of JUSTICE document for Geis, Jason, J., Lancaster County District Court Case No. CR15-306; [Stutzka v. McCarville](#), 420 F.3d 757, 760 n.2 (8th Cir. 2005) (court may take judicial notice of judicial opinions and public records).

IT IS THEREFORE ORDERED that:

1. Geis's Petition for Writ of Habeas Corpus ([Filing No. 1](#)) is denied as moot and this matter will be dismissed with prejudice.
2. The court will enter a separate judgment in accordance with this Memorandum and Order.
3. The court will not issue a certificate of appealability.

Dated this 7th day of February, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge